

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Allen

26117

FILE:B-212739

DATE: August 29, 1983

MATTER OF: Cosa Corporation

DIGEST:

Protest alleging solicitation improprieties that are apparent prior to bid opening must be filed before bid opening.

Cosa Corporation protests solicitation No. DAAD05-83-B-0321 issued by the Department of the Army. Cosa alleges that the solicitation is defective because it did not provide bidders an opportunity to offer a duty free price. We dismiss the protest.

Our Bid Protest Procedures require that protests based upon an alleged impropriety in an invitation for bids be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1)(1983). We understand that bid opening was held on June 20, 1983. Cosa did not protest to our Office until August 17, 1983. This protest is clearly untimely.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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